

REMARKS

1. Amendment of Claims:

In response to the Office Action mailed on May 28, 2003, please reconsider claims 21-24, 27-29 and 32 as recited above.

In the Office Action, the Examiner noted that the claims presented in the CPA had been mis-numbered. The claims presented herein have been renumbered 21-35.

The Examiner also restated the Election Requirement: Species I, Figs. 1-7, Species II Fig. 8, Species III Figs. 9-10 and Species IV-Fig. 11. In response, the Applicant affirms the election of Species I, Figs. 1-7 which is read by Claims 21-24, 27-29, and 32.

Claims 21-24, 27-29, 32 were rejected under 35 U.S.C. 112, second paragraph. More specifically, Claim 21 was rejected due to a typographical error in Claim 21. Claim 21 also contained "said side tunnel" that lacked positive antecedent bases. Claim 32 was rejected because the term "second concealed side tunnel" was considered vague and indefinite.

In response, Claims 21 and 32 have been amended to overcome these rejections and reconsideration is now requested.

a. Rejection of Claims 21-23, 32 under 35 U.S.C. 102(e) as being anticipated by Simpson ('242)

In response, to the above referenced rejection, Claim 21 is also amended to further distinguish the invention from Simpson. Claim 21 clearly recites an outer housing with at least one inside opening that is concealed from public view when standing adjacent to the outer housing, and two side tunnels formed on the outer housing that extend under and inward along the outer surface of the outer housing to the inside opening to provide access to the inner cavity.

1 Simpson discloses a cover 24 with two visible doorways 32 formed on its outside
2 surface that provide access to an inner cavity. The doorways 32 visual and not hidden nor
3 concealed from public view when standing adjacent to the trap. Also, Simpson does not
4 disclose or suggest side tunnels formed on the cover 24 that extend under and inward along
5 the outer surface of the cover to the doorways.

6 Since every limitation in Claim 21 (Currently Amended) is not found in Simpson, the
7 anticipation rejection should be withdrawn.

8 **b. Rejection of Claims 24 under 35 U.S.C. 103(a) as being obvious based on**
9 **Simpson ('242) in view of Allen ('361).**

10 Because the base claim 21 is not anticipated by Simpson for the reasons stated above,
11 the combination of Simpson and Allen ('361) does not meet every limitation recited in Claim
12 24, and therefore, the obviousness rejection should be withdrawn.

13 **c. Rejection of Claim 24 under 35 U.S.C. 103(a) as being obvious based on**
14 **Simpson ('242) in view of Feussner ('724) or Freeman ('600)**

15 The Examiner cited Feussner and Freeman as disclosing a holding tray inserted in an
16 opening formed on the flat bottom of the trap. Because neither Feussner or Freeman suggest
17 or disclose concealed inside openings formed on the outer cover and at least one side tunnel
18 that extend inward towards the inside openings, all of the limitations of Claims 24 are not
19 met and the obviousness rejection should be withdrawn.

20 **d. Rejection of Claims 27-29 under 35 U.S.C. 103(a) based on Simpson**
21 **('242) in view of Hart ('123) or Wierner ('177).**

22 The Examiner cites Hart and Wierner for disclosing a traps inserted through a hole
23 formed on the flat bottom of the outer housing. For the same reasons stated above, because

1 neither Hart nor Wiener suggest or disclose concealed inside openings formed on the outer
2 cover and two side tunnels that extend inward towards the inside openings, all of the
3 limitations of Claims 27-29 are not met and the obviousness rejection should be withdrawn.

4 **Rejection of Claim 27 under 35 U.S.C. 103(a) based on Simpson ('242) in**
5 **view of Hight ('917)**

6 For the same reasons stated above, because Hight does not suggest or disclose
7 concealed inside openings formed on the outer cover and two side tunnels that extend inward
8 towards the inside openings, all of the limitations of Claims 27-29 are not met and the
9 obviousness rejection should be withdrawn.

10 The Examiner is respectfully reminded that affidavits from experts in the pest
11 industry were submitted on October 8, 2002 in support of the argument that the invention
12 recited in Claim 21 should be considered non-obvious. Reconsideration of these affidavits is
13 requested in view of the new arguments presented by the Examiner.

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15 Respectfully submitted,

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